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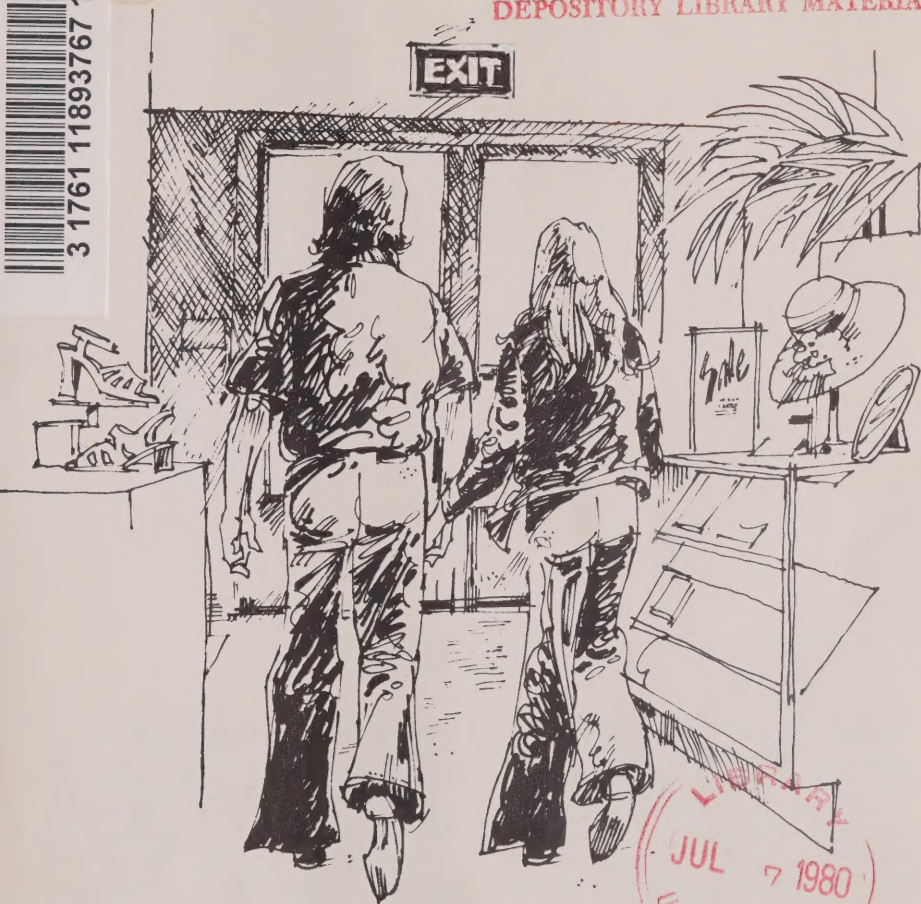
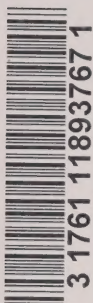
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# SHOPLIFTING

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This booklet is the first of a series dealing with different types of crimes and their impact upon the victims, the offender and the public at large. While the booklets may be of general interest, they are designed primarily as a resource to be used by parents, teachers, youth workers, police and others who work with young people.

The background material on which this booklet is based was prepared by Ms. Linda Reid, Doctoral Student, York University. Additional copies of the booklet can be obtained from the Ontario Government Book Store, 880 Bay Street, Toronto, Ontario. M7A 1N8



Provincial  
Secretariat  
for Justice

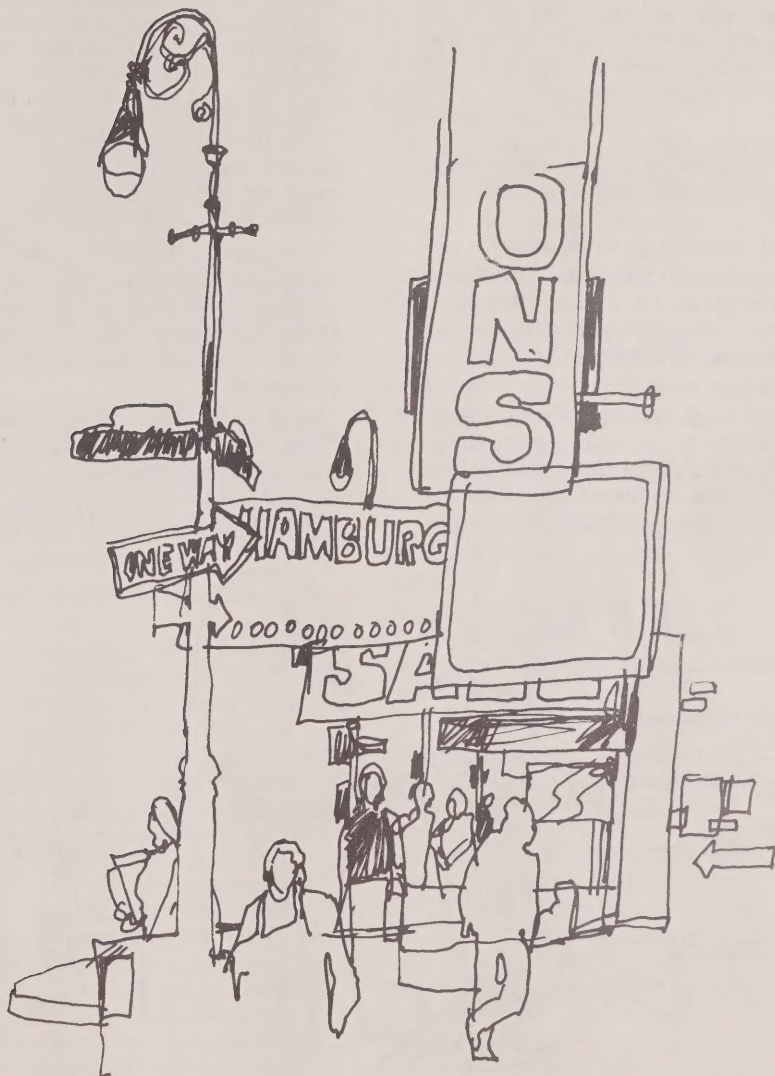
The Honourable Gord Walker, Q.C.,  
Provincial Secretary for Justice

The story and characters described in 'The Incident' portion of this booklet are fictitious. Any resemblance to persons living or dead is purely coincidental.

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# THE INCIDENT

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Joan Mathews received some good news and some bad news today. The good news was that she learned she had successfully completed her last term at high school and was being considered for a job that she had been anxious to obtain for some time. The bad news was that because of her own foolishness, her chances of getting that job might no longer be as good as she thought they were. Let's allow her to tell her side of the story.

"What a nightmare!" exclaimed Joan. "It can't be true. I didn't really mean to do it."

"Didn't mean to do what, Joan?"

"My boyfriend Larry Nelson and I just went shopping for some clothes at Jackson's Department Store when all of a sudden it happened."

"What happened?"

"Well," continued Joan, "when Larry and I went into the clothing department, we didn't see any sales clerks so I started looking for a blouse. I tried on a few blouses and showed them to

Larry. Then we wandered over to the dress section. I didn't even realize I was still wearing one of the blouses."

"What did you do in the dress section?"

"I wanted to get some advice on a dress I liked but there didn't seem to be any sales clerks there either. I got kind of mad, so Larry and I left the store. I forgot that I was still wearing the blouse."

"Did someone see you?"

"Yes, the store detective. Can you believe she actually thought I was a common criminal? I simply forgot to pay for the blouse. I didn't steal it."

"How could you forget to pay for it?"

"Look, we were in a hurry. I put my jacket on over it without thinking. If those darn sales clerks had been there to serve me, this never would have happened."

"What about the store detective?"

"I don't see how she could have seen me walk away wearing that blasted blouse," exclaimed Joan angrily.

"There wasn't anyone in that clothing



department except Larry and me and the blouse was under my jacket."

"I guess you weren't quite sneaky enough to outsmart the store detective."

"Wait a minute," stammered Joan, "I didn't mean that I was trying to hide the blouse or anything. I was, er... you know what I mean."

One person who did know what Joan and Larry were up to was Mrs. Rogers, the store detective. She had the pair under constant surveillance.

"Mrs. Rogers, how did you go about apprehending Joan Mathews and her boyfriend, Larry Nelson?"

"I was in charge of the entire floor of Jackson's Store where Miss Mathews and Mr. Nelson appeared to be shopping," replied Mrs. Rogers in a very business-like manner.

"How did you see what they were doing? Miss Mathews claims she saw no one else in the clothing department."

"Customers rarely do notice store detectives like myself. But I could see Miss Mathews and Mr. Nelson very well from a nearby department."

"What exactly did you see, Mrs. Rogers?"

"On three occasions Miss Mathews took a different blouse from the rack and went into the fitting room to try it on. Each time she would come out wearing the blouse for Mr. Nelson to see. But the third time she kept the blouse on and didn't return to the fitting room. After they spoke briefly to each other, Mr. Nelson looked carefully about the store, then quickly helped Miss Mathews remove the price tag from the sleeve and put it into his pocket. Following this he quickly helped her put the jacket on over the blouse. He then held her shopping bag while she hid her own blouse in it. After this, they both looked around very nervously and then proceeded towards the dress section."

"What happened next?"

"Well, I watched them very closely as they moved over to the dress section."

"What did they do there?"

"They stayed there for less than a minute and looked very ill at ease. Then they suddenly moved quickly toward the exit and left without paying for the blouse. I followed them, and outside of the store I used the standard procedure for stopping shoplifters."

"What exactly did you do?"

"I approached them, identified myself, informed them of the reason they were being stopped, and quietly asked them to come inside with me to the security office."

"What reason did you give for stopping them?"

"I simply told Miss Mathews that I believed she had an item from the store which was unpaid for."

"What about Mr. Nelson?"

"In my view he helped Miss Mathews to steal the blouse. If that's true that would make him a party to the offence."

"Did they resist when you stopped them and asked them to go to the security office?"

"No, they were quite co-operative. They just kept making the nervous excuse that they had forgotten to put the blouse back."

"What happened in the security office?"

"I made out a report detailing the events of the incident and noted the full particulars of the suspects. Depending on the practice followed in the area in which the offence occurs, the store may lay its own charge or the police may be called in as is the case in our area. I called the police and the suspects were taken to the police station where they would have been investigated in the usual way."

So begins the story of Joan Mathews and Larry Nelson, two respectable



young citizens who decided to steal. Neither are willing to admit their guilt but their story is confused and highly suspicious, especially Joan's.

"What did the store detective say to you, Joan?"

"She accused me of stealing. She didn't believe I forgot to put the blouse back. I'm a respectable person. I had plenty of money to pay for the blouse. Why would I want to steal it?"

"That's a good question, Joan. Why would you want to steal it? You say you're a respectable person and you had enough money to pay for it, so why would you resort to stealing?"

"But I didn't steal it!" exclaimed Joan, shifting uneasily in her chair. "Don't you see? I simply forgot to pay for it."

"But just a second ago you said you forgot to put the blouse back. Now you're saying you were going to pay for it. You've contradicted yourself. And furthermore, your own blouse was stuffed inside the shopping bag you were carrying."

"Well, er...."

"Look Joan, forgetfulness is a flimsy excuse. In fact, it is the most common excuse given by accused shoplifters. Also, 75-80 per cent of those persons caught stealing from stores are good, otherwise law-abiding citizens like yourself. If lawyers, teachers, doctors, office workers, housewives, and students have been known to shoplift, what makes you any different? And shoplifting is stealing, and that's a crime."

"But I didn't steal anything," insisted Joan. "I'm no thief."

"But you're going to court on a theft charge. What happens if you're found guilty? You could receive a criminal record you know."

"Look, it was only a cheap blouse. Are you trying to tell me that this is serious? You must be kidding."

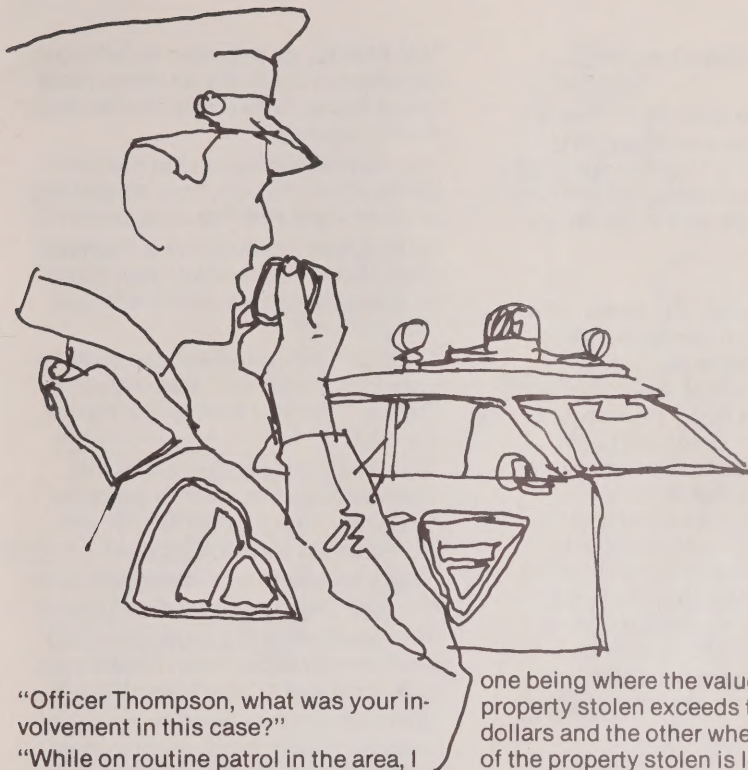
"It certainly can be serious. A person who has been convicted or found guilty

of theft could encounter problems as a result. For instance, he might find that obtaining some kinds of employment is more difficult. Many employers make bonding a condition of employment and such an offender could find that his ability to be bonded has been affected. Of course, many employers are concerned about the honesty of their prospective employees and if a person has been found guilty of theft, he might find a reluctance by some to hire him, especially for a position where honesty is important. That person might also find that his ability to go into a business or profession that requires licensing is affected, especially if it is one where personal integrity is an important consideration. Also, don't forget about your boyfriend Larry. He may be found guilty too, and that might make his job hunting more difficult as well."

"I refuse to believe any of this," said Joan vehemently. "There'll be a way out of it."

In that cramped, drab security office on the second floor of Jackson's Department Store, Joan and Larry waited alone for the police to arrive. Although they waited less than twenty minutes, it seemed like the longest wait of their lives. It wasn't like waiting for a job interview or a dental appointment. Those kinds of situations can be uncomfortable, but not like waiting for the police can be when you have done something wrong. It wasn't that they worried so much about what the police would do, it was the awful embarrassment they felt just being there. Although they had been caught red-handed, they wondered if there was any hope of getting out of this mess. What if their friends or families found out? Would their future bosses ever hear about it? Could this really lead to big trouble after all? Police Constable Thompson who handled the case knows what kind of trouble it can lead to.





“Officer Thompson, what was your involvement in this case?”

“While on routine patrol in the area, I received a call on the police radio to proceed to Jackson’s Department Store where two persons were being detained by a store security officer on suspicion of shoplifting. On arrival at the store, Mrs. Rogers, the security officer, told me what had happened and identified the two suspects as the individuals responsible for stealing a blouse from the store. I then took these two people into custody and returned them to the police station for investigation, which includes photographing and fingerprinting. They were questioned and allowed an opportunity to give their explanation of what happened. Charges were subsequently laid.”

“What kind of charge is laid in a case where a blouse worth \$14.95 is taken?”

“Well, what is ordinarily referred to as ‘shoplifting’ is dealt with under the theft section of the Criminal Code. The Code has two categories of theft —

one being where the value of the property stolen exceeds two hundred dollars and the other where the value of the property stolen is less than two hundred dollars. So the charge in this case, where the price of the blouse taken was \$14.95, is theft under two hundred dollars.”

“What is the difference between the two types of offences?”

“The difference between the two may affect the way the charge will be dealt with in court and may also affect the penalty imposed upon conviction. But the end result can still be the same for both types — a criminal record.”

“What about Joan’s friend Larry?”

“He was charged with theft since he helped take the blouse,” answered Officer Thompson.

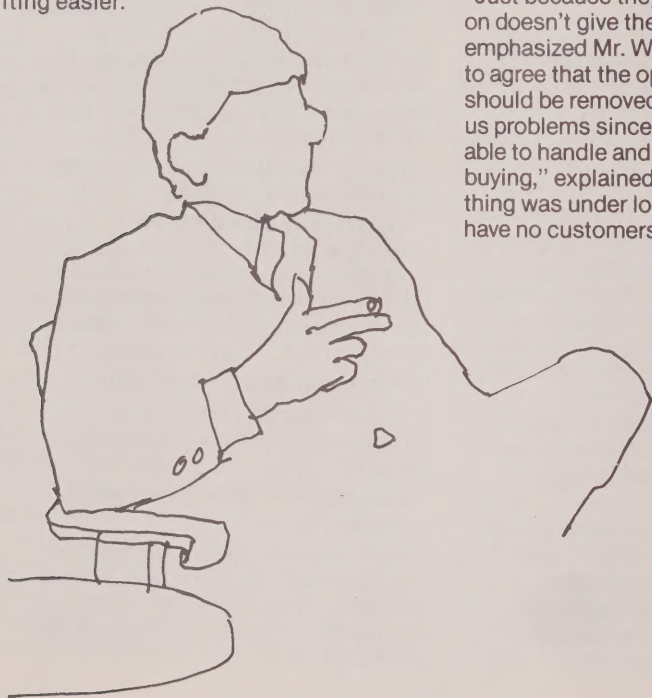
“What happened after they were investigated at the station?”

“Shoplifters such as the accused are rarely detained before the trial. The two accused in this case were released on a promise to appear and informed of a court date.”

“What do you do in the case of juveniles?”

“Usually the store calls us in. Then we inform the kid's parents. After considering the facts of the case, we often lay a charge against the kid. The charge would then be dealt with in Family Court.”

The store manager is in a very difficult position when it comes to shoplifting. Deciding whether or not to lay charges against a shoplifter is only part of the problem he faces. He also must contend with a store policy that is designed to encourage sales, yet by it's very nature, facilitates shoplifting. Making the merchandise more attractive and accessible to the customer also means it will be more tempting to the hands of the shoplifter. In this day of stiff competition among retailers, many stores, in an endeavor to be more appealing to the consumer, have even been accused of making shoplifting easier.



“Mr. Warren, as manager of Jackson's Department Store, do you think retail stores today make it easy for the shoplifter to operate?”

“I would have to agree that they do,” admitted Mr. Warren, “and shoplifting is becoming somewhat of an epidemic.”

“How do you feel about Miss Mathews' claim that the absence of your sales staff was responsible for the blouse being taken?”

“Just another typical excuse given by a nervous shoplifter,” responded Mr. Warren. “We hear stories like that all the time.”

“But would you not agree that the absence of a sales clerk to serve her may have made it easier for her and Mr. Nelson to steal the blouse?”

“That's no reason for stealing. Shoppers who don't like our service should leave.”

“But the absence of a sales clerk did give them the opportunity. What if your store investigator hadn't been there?”

“Just because they aren't being waited on doesn't give them the right to steal,” emphasized Mr. Warren. “I would have to agree that the opportunity to steal should be removed, but this would give us problems since customers like to be able to handle and examine items before buying,” explained Mr. Warren. “If everything was under lock and key, we'd have no customers.”



"How do you make up the losses caused by shoplifting?"

"Higher prices."

"So, it's the honest consumer who suffers, is that correct?"

"Unfortunately, that's the way it is. A small percentage of the price on every item goes to cover shoplifting losses."

"What's the answer to the problem as far as you and your store are concerned?"

"There are a number of things which can be done in an effort to discourage shoplifting. For instance, one thing we are planning to do is to implement a training program to educate our employees in loss prevention. Other storekeepers who have used this program have reported good results. With the help of this program the shoplifter is going to find it more difficult to operate."

Joan and Larry had found it difficult as it was. And that was only the beginning. They still had to face the court hearing. Since they were over sixteen years of age, they were considered before the law to be adults and so were dealt with in an adult court. If they thought waiting for the police to arrive was nerve-wracking, how did they find the atmosphere of the court room, where every accused is treated before the law with impartiality? Many accused find they are extremely nervous before a Judge. Joan and Larry were no exception. They looked at each other in dismay when Judge Saunders handed down his decision.

"What happened in the case of Joan Mathews and Larry Nelson, Judge Saunders?"

"After hearing all the evidence, I was satisfied that Miss Mathews, aided by Mr. Nelson, intentionally took the blouse without paying for it."



I therefore found them guilty.”

“Did you do that at their first court appearance?”

“No, at their first court appearance they had an opportunity to speak to duty counsel who advised them of their rights. I then determined whether or not they would be retaining a lawyer and they informed me that they would not. I then asked them if they were pleading guilty or not guilty. Both indicated they wished to plead not guilty. If Miss Mathews and Mr. Nelson had pleaded guilty, then it would not have been necessary to have a trial. I would have made a finding of guilt after hearing a summary of the facts of the case. Since they were pleading not guilty, I set a date for trial.”

“Wait a minute. That’s confusing. You mean Joan and Larry had to come back on another occasion before their trial took place?”

“That’s usually the case,” said Judge Saunders, “and it can be more often than that, especially if they decide that they want to retain a lawyer.”

“What penalties do you impose for shoplifting?”

“It depends on such things as the circumstances of the offence and the age, character and background of the accused. Sometimes I give a discharge or a suspended sentence. Sometimes I impose a fine. In fact, the Criminal Code even provides for a jail term for this type of offence. Therefore, in a serious case an offender could even go to jail.”

“Could you explain what you mean by a discharge?”

“There are two types of discharge: ‘absolute’ and ‘conditional.’ In both cases a conviction is not registered and the accused does not get a criminal record. However, the discharge would be recorded nonetheless. The purpose of a discharge is to permit the court in appropriate cases to relieve a person of the burden

of a criminal record.”

“What happened to Joan Mathews and Larry Nelson?”

“Well, shoplifting is increasing at a rather alarming rate and, therefore, is a matter for concern. Unfortunately, it’s the public who pays by way of higher prices. Having regard to the ages and backgrounds of these accused and especially the circumstances under which they committed the offence, I registered convictions and gave them a suspended sentence. Of course, if they should be charged and found guilty of an offence like this again, it could be a different matter.”

“Do you ever put shoplifters on probation?”

“Yes, if I feel that it is warranted.”

“Did anything else happen to Joan and Larry?”

“Well, of course they now have criminal records which could create problems for them.”

“Whew! A trial, convictions and criminal records. Persons caught shoplifting can really have a problem.”

Joan Mathews and Larry Nelson are nearing the end of their high school education. They are about to enter a new phase of their lives — whether it be taking on employment or continuing their education. They have also just begun to lead new lives in the shadow of a criminal record and the problems that go with it. If nothing else, it will be an embarrassment that will bother them for some time to come. It all sounds rather unnecessary and depressing, doesn’t it?

As they slowly walked away from the court, Joan stopped and turned to Larry. “Just think Larry, we could have easily avoided this whole mess for only \$14.95.”

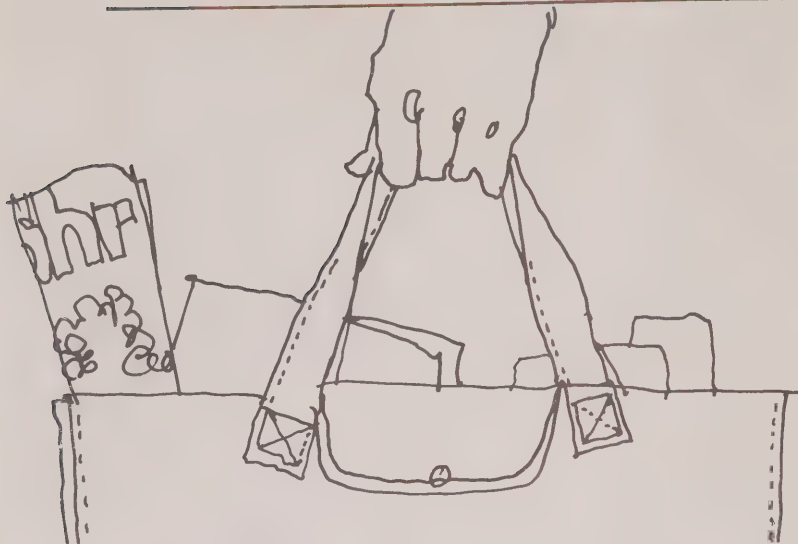




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# THE BACKGROUND

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## The Shoplifter:

The offender is as likely to be female as male, unlike the general pattern of crime where the overwhelming majority of criminal offences are committed by males.

It has been estimated that only 5-10 per cent of shoplifters are 'professional' in the sense that they depend upon theft from stores for their means of livelihood or use it to supplement other forms of criminal activity. The remainder are people who steal occasionally and usually believe that they will not be apprehended. Even if they are, they think that as long as they act upset or remorseful, they won't be prosecuted.

There is no common type of shoplifter. The offender may be male or female, come from any income level or socio-economic group, and is unlikely to suffer from mental illness, emotional disturbance or severe economic deprivation. Furthermore, the offender has probably not been involved in other

types of criminal activity. In fact, 80-90 per cent of apprehended shoplifters have no previous criminal record. The ages of those who are charged with shoplifting vary greatly. A recent study in an adult Provincial Court in Ontario found that the ages of persons charged with shoplifting ranged from 16 years to 64 years, with the average age being 30 years. Over 80 per cent of these persons were convicted by the Court.

The increasing number of thefts of small items by children and teenagers is of real concern to the storekeeper — especially the corner variety store owner or manager. Again, it has been shown that what is stolen is very rarely a necessity and the young person often possesses enough money to buy the item.

In the minds of some, the image of the shoplifter may be that of someone who successfully steals a fur coat or a valuable watch. While thefts of this nature do occur from time to time, they

are relatively rare, partly, no doubt, because such items receive greater protection or surveillance than less costly merchandise. Over 40 per cent of the merchandise stolen from large department stores is clothing. A recent study of 100 shoplifters in one Ontario court revealed that over 50 per cent of those charged had taken less than \$20 worth of goods. With these figures in mind, it is perhaps not surprising to find that in the majority of cases the shoplifter possessed enough money to have paid for the item.

While the goods stolen may be small in value, it should be remembered that it is not uncommon for individual merchants to have several such thefts in one day and that over a year the total loss can be considerable.

### **The Extent of the Problem:**

The number of shoplifting offences across the province increases every year. To quote two examples: in London, Ontario, the number of persons charged with shoplifting in the first six months of 1976 was 822; this compares with 465 charges in the first six months of 1974. In Hamilton, 472 persons were charged in the first six months of 1974, while the comparative figure for 1976 was 666.

It has been estimated that shoplifting costs retail businesses in Canada about ONE MILLION DOLLARS per day. Clearly, someone must pay for this and that someone is the consumer. If a store loses a considerable amount of merchandise because of shoplifting, then it cannot simply absorb the loss. It can only raise its prices in order to ensure that it stays in business.

Some businesses, because of their large turnover or because of the nature of the merchandise they sell, are able to operate on a very small profit margin. However, the smaller the profit margin the more essential it becomes to minimize the shoplifting. If, for example, a store is operating on a 5

per cent profit margin, then for every item of \$5 that is stolen, the store must sell an additional \$100 worth of merchandise. Given this perspective of the problem, as well as the increasing incidence of shoplifting, it is not surprising to discover that part of the answer to the perennial question "Why does everything keep going up in price?" is, simply, the fact that an increasing number of people steal frequently.

But the extent of the problem should not be seen in economic terms only. Our laws reflect our society's concern for trust and honesty in community and individual relations. To the extent that shoplifting is widespread, and appears to be the 'way to behave' in the community, trust and honesty is replaced by distrust and suspicion. The over-all result is that the quality of life in the community is diminished.

### **The Risks Involved:**

Shoplifting is theft and theft is a crime. Shoplifters who are charged and convicted are punished.

The extent of the punishment will depend upon such factors as the age, character and background of the accused, the circumstances of the theft, the number of articles stolen, the value of each article, the number of previous occasions on which the offender was found guilty, and the extent to which the court feels that, of the alternatives available, a strong penalty must be imposed in an attempt to deter others as well as the offender from repeating the offence.

Whatever the outcome — be it discharge, conviction, suspended sentence, probation, fine or even jail — in some ways the real punishment may rest in the effect that it could have on the offender's life. This might include damage to his ability to obtain or maintain certain types of employment — to say nothing of possible dismissal or loss of pay due to absence from work because of court appearances. Add to

this the cost of legal fees, embarrassment to himself, his family and friends, and there is little doubt that the risk is not worthwhile.

Nor is the risk confined to the person who actually committed the theft. If, as in the case presented, someone helps in the commission of the offence, or if another person receives goods from the thief knowing that they have been stolen, then those persons are also guilty of a crime.

It is worthwhile to bear in mind that the Criminal Code provides that anyone who is convicted of theft where the value of what is stolen exceeds \$200 is guilty of an indictable offence and is liable to imprisonment for ten years. Where the value of what is stolen does not exceed \$200, the offender is guilty of an indictable offence and is liable to imprisonment for two years, or of an

offence punishable on summary conviction. In a case of shoplifting where the value of the goods stolen is less than \$200, the Crown would probably proceed by way of summary conviction. The Criminal Code provides that where a person is convicted of an offence punishable on summary conviction he is liable to a fine of not more than \$500 or to imprisonment for six months or to both.

If the offender is less than sixteen years of age he is considered to be a juvenile in Ontario and is dealt with by a Family Court Judge. If the offence is proved against him, he is found to be in a state of delinquency, in which case the Judge has a variety of sentencing alternatives of which a suspended sentence, probation, and a fine are common.



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# WHAT CAN BE DONE?

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It has been argued that the simplest and surest way to reduce shoplifting would be to return to the merchandising methods of former days when goods were not on open display, but were brought from the shelves or a stockroom and sold personally by the store owner or his assistants. It is most improbable, however, that the clock could be turned back since the convenience of modern shopping is now so well accepted by the public.

As this booklet has pointed out, most of those who steal from stores are not professional criminals. Instead, they steal for 'kicks' or because they believe it to be 'fair game,' just as some believe it is fair game to deceive customs officials or avoid paying income taxes.

There would seem to be different methods of dealing with the problem. First, store conditions could be structured so that stealing without being detected would be very difficult. Secondly, the offender could be punished in an exemplary fashion in order

that not only he, but the general public, would be deterred from shoplifting. Thirdly, people should be made fully aware of their responsibilities as citizens; of the increased price which they eventually pay because of shoplifting; and of the risks they incur in stealing goods from a store.

Store owners try to deter shoplifting by increasing the likelihood of detection. Among the devices used are closed circuit television, convex mirrors, one-way glass, and sensitized tags. More effective, in some instances, may be security personnel employed for the explicit purpose of identifying the offender. Most large department stores use a combination of both types of security measures. These steps have been effective to some degree, however, the cost of installing various devices and hiring security personnel is one more cost that the store owner must take into account in arriving at the ultimate price of the merchandise.

Deterrence by way of exemplary punishment will affect some members

of the public but not all. This is also likely to hold true for the convicted offender, who may or may not be deterred from further shoplifting.

Making people aware of their responsibilities and influencing community attitudes and behaviour holds more hope over the long term than the other two approaches, but is clearly the most difficult to achieve. There are no simple answers to questions involving the most effective methods of disseminating information to the public and, more importantly, fostering a sense of responsibility for instilling in people a recognition of the needs and rights of others.

Whatever the approach, there seems to be almost unanimous agreement among those who strive for effective crime prevention that the place to start is with children and young people. This is perhaps too limited, for adult attitudes and behaviour so often provide the examples that contradict what is taught to young people. However, in view of the increasing extent to which young people are involved in shoplifting, it is both logical and appropriate to attempt to face them with the relevant facts of the offence; the risks they incur in theft of this nature; and the extent to which, in the end, EVERYONE bears the burden of rising prices.

One example of a program aimed at meeting these ends is provided by the Junior League of Toronto. In 1974, the League embarked on a co-operative venture with the Metropolitan Toronto Police. The program aimed at heightening Grade 7 students' awareness of the dangers of shoplifting and other offences; providing them with some basic information on the workings of the criminal justice system and the role played in that system by Police Youth Bureau officers. The program consists of two 1-1/2 hour sessions and is presented during school hours by volunteers who have knowledge of the justice system. Due to the success

of the pilot program, it has been presented to over 1000 students in Senior Public Schools in North Toronto. In addition, information on the program and its aims were provided to Parent-Teacher Associations. The program has been so popular that the sponsors are now at the point where they are unable to meet all the requests they receive from schools throughout the city.

Programs of this kind have been successful. They will likely achieve further success when combined with the efforts of parents who provide complementary information to their children. But from the evidence available, it is clear that not all parents do this satisfactorily. Some seem to feel that their children already 'know' shoplifting is stealing and that stealing is forbidden. Others may believe their children will 'learn' the facts about shoplifting from their peers. Still others have such trust in their children that they feel it is unnecessary to know how much money they have, how it is spent, the origins of new clothing and other items brought home, and so on. Sometimes, unfortunately, parents' faith in their children is misplaced and they may need reminding of their responsibility as parents.

In the final analysis, broadly based action in the community is necessary: action by merchants, law enforcement agencies, schools, young people, parents and community groups. If these people work co-operatively and in support of one another, they can help bring about a change in attitudes and behaviour regarding shoplifting so that it is no longer a serious community problem.

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